

SUMMARY MINUTES
Regular City Commission Meeting
Thursday, December 9, 2004, 7:30 p.m.
City of Sunny Isles Beach, Florida

<p><u>ATTENTION ALL LOBBYISTS: CITY LAW REQUIRES YOUR REGISTRATION PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY STAFF, BOARDS, COMMITTEES OR THE CITY COMMISSION. PLEASE CONTACT THE CITY CLERK FOR FORMS AND ADDITIONAL INFORMATION.</u></p>

AGENDA

1. CALL TO ORDER/ROLL CALL OF MEMBERS

The meeting was called to order by Mayor Edelcup at 7:30 p.m., with the following officials present:

Mayor Norman S. Edelcup
Vice Mayor Lewis J. Thaler
Commissioner Roslyn Brezin
Commissioner Gerry Goodman
Commissioner Danny Iglesias

City Manager Christopher J. Russo
City Attorney Lynn Dannheisser
Acting City Clerk Priscilla Walker

2. PLEDGE OF ALLEGIANCE/INVOCATION

Action: Henry Kay led the Pledge of Allegiance to the flag and Richard C. Schulman gave an invocation.

Mayor Edelcup gave opening remarks of decorum.

3. APPROVAL OF MINUTES

None

4. ORDER OF BUSINESS (Additions/Deletions/Amendments)

4A. Request to Hear Items.

5. SPECIAL PRESENTATIONS

5A. Florida Jewish History Month Proclamation.

Action: Mayor Edelcup presented a Proclamation proclaiming January 2005 as Florida Jewish History Month in the City of Sunny Isles Beach.

6. ZONING

None

7. ORDINANCES FOR FIRST READING

- 7A.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida Amending Section 265-11(F) of the Code of Sunny Isles Beach, to Provide the City Commission With the Authority to Grant a **Withdrawal of a Zoning Application** With or Without Prejudice; Providing for Severability; Providing for Repealer; Providing for Inclusion in the Code; and Providing for an Effective Date.

Action: Acting City Clerk Walker read the title and City Attorney Dannheisser reported noting that Commissioner Brezin sponsored this Ordinance. She said the proposed ordinance provides suggested time periods but that it is up to the Commission. Commissioner Brezin reported that this is more lenient than the County, and that she feels it is fair to the applicant, the Commission, the staff, and the terms that are outlined are fair and open to discussion.

Public Speakers: none

Commissioner Iglesias moved and Vice Mayor Thaler seconded **a motion to approve the proposal on first reading. The motion was approved by a roll call vote of 5-0 in favor. Second reading, public hearing will be held on Thursday, January 13, 2005, at 7:30 p.m.**

Vote:

Commissioner Brezin	<u>yes</u>
Commissioner Goodman	<u>yes</u>
Commissioner Iglesias	<u>yes</u>
Vice Mayor Thaler	<u>yes</u>
Mayor Edelcup	<u>yes</u>

- 7B.** An Ordinance of the City of Sunny Isles Beach, Florida, Amending Section 265-58 (I) of the Land Development Regulations Relating to Temporary Construction Fencing; **Establishing General Standards for the Installation of Temporary Construction Fences**; Prohibiting Certain Fences; Making This Ordinance Retroactive 90 Days and Allowing Compliance; Providing for a Repealer; Providing for Inclusion in the Code; Providing for Severability; and Providing for an Effective Date. (*Continued First Reading from 11/18/04*)

Action: Acting City Clerk Walker read the title and Building Official/Administrator Clayton S. Parker reported. Mayor Edelcup asked what happens if two years down the road they are not finished and they walk into the Building Department, what procedure happens? Building Official Parker stated that by Code they can renew their permit one time for a six-month period, and if they want to renew it again they have to go before the Board of Rules and Appeals. Commissioner Goodman asked why two different ordinances on the west side and the east side, and City Attorney Dannheisser stated for the record that the only time it is permitted is in the residential, the R1 and RTH.. Commissioner Goodman said that the wind on the west side of Collins Avenue is as bad as on the east side and stated in his opinion it

would be better to have a fence on both sides of the street.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Brezin seconded **a motion to approve the proposal on first reading. The motion was approved by a roll call vote of 4-1 (Commissioner Goodman against) in favor. Second reading, public hearing will be held on Thursday, January 13, 2005, at 7:30 p.m.**

Vote: Commissioner Brezin yes
 Commissioner Goodman no
 Commissioner Iglesias yes
 Vice Mayor Thaler yes
 Mayor Edelcup yes

8. PUBLIC HEARINGS (Other than Ordinances for Second Reading)

None

9. ORDINANCES FOR SECOND READING (*Public Hearings*)

Sitting in as the Local Planning Agency and the City Commission, to Consider an Ordinance Amending the Land Development Regulations (LDRs)

9A.1A Resolution of the Local Planning Agency of the City of Sunny Isles Beach, Florida, **Recommending to the City Commission of Sunny Isles Beach, the Ordinance Amending Section 265-46 of the of the Land Development Regulations Relating to Parking Regulations to Prohibit Parking of Vehicles on Front Lawns in Residential Districts and to Prohibit Parking of Vehicles on Publicly Maintained Lawns and Landscaped Areas; Providing for an Effective Date.**

9A.2 An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 265-46 of the **of the Land Development Regulations** Relating to Parking Regulations to **Prohibit Parking of Vehicles on Front Lawns in Residential Districts and to Prohibit Parking of Vehicles on Publicly Maintained Lawns and Landscaped Areas;** Providing for an Exception; Providing for Enforcement; Providing for Penalties; Providing for Severability; Providing for Inclusion in the Code; Providing for Repealer; and Providing for an Effective Date.

Action: Mayor Edelcup noted that this item was deferred for a Workshop and after discussion the Workshop was scheduled for January 13, 2005 at 6:00 p.m. Mayor Edelcup noted that we will be moving at the end of January to the new facility, and that there will be a Grand Opening celebration on February 25, 2005.

10. RESOLUTIONS

- 10A.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving a **Contribution of Fifteen Thousand Dollars (\$15,000.00) to the After School Program at Ruth K. Broad Bay Harbor Elementary School;** Providing for an Effective Date.

Action: Acting City Clerk Walker read the title and Mayor Edelcup reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-741 was adopted by a voice vote of 5-0 in favor.**

- 10B.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving a **Contribution of Five Hundred Dollars (\$500.00) to Ruth K. Broad Bay Harbour Elementary School for the Purchase of Benches** for the School's Hallways; Providing for an Effective Date.

Action: Acting City Clerk Walker read the title and Mayor Edelcup reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-742 was adopted by a voice vote of 5-0 in favor.**

- 10C.** A Resolution of the City of Sunny Isles Beach, Florida, Approving an **Agreement with Miami-Dade County and Participating Municipal Police Departments for Police Mutual Aid and the Joint Declaration to the Mutual Aid Agreement;** Authorizing the Mayor to Execute the Agreement and the Police Chief to Execute the Joint Declaration; Authorizing the City Manager to Do All Things Necessary to Effectuate the Intent of this Resolution; Providing for an Effective Date.

Action: Acting City Clerk Walker read the title and Chief Maas reported.

Public Speakers: none

Commissioner Brezin moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-743 was adopted by a voice vote of 5-0 in favor.**

- 10D.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving **Addendum No. 1 to the Contract By and Between the City of Sunny Isles Beach and Beiswenger, Hoch & Associates, Inc, for the Design of a Bicycle Path** in the Amount of Thirty Two Thousand Seven Hundred and Sixty Dollars (\$32,760.00), Attached Hereto as Exhibit "A"; Authorizing the Mayor to Execute Said Contract; Providing the City Manager with the Authority to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: Acting City Clerk Walker read the title and City Manager Russo reported noting that the bike path will be from 183rd Street to 174th Street. Mayor Edelcup said it is basically to keep the bike path on back roads and not on Collins Avenue. Commissioner Goodman said bikes come across the William Lehman Causeway and they are not supposed to and he asked Chief Maas to respond regarding enforcement. Chief Maas said it is a Florida Statute but is not enforced even though there are signs there, and that he would research it.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-744 was adopted by a voice vote of 5-0 in favor.**

10E. A Resolution of the City of Sunny Isles Beach, Florida, Authorizing the City Manager to Enter Into an **Agreement with F.D.F. Designs Studio for a Bronze Sculpture with Pedestal of a Family Grouping with Sun and Birds** for Installation in the Samson Oceanfront Park Which Design, Price and Terms Shall be Finally Approved by the City Commission; and Further Providing the City Manager with the Authority to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: City Manager Russo reported. Vice Mayor Thaler asked for an estimate on the cost and City Manager Russo said about \$190,000.00.

Public Speakers: none

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-745 was adopted by a voice vote of 5-0 in favor.**

10F. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Purchase of Park Benches, Tables, Trash Receptacles, and Bike Racks for Samson Oceanfront Park** from Visions Innovated Products, Inc., Under Miami-Dade County Contract No. 076-Bb01, in an Amount of \$13,442.57, Attached Hereto as Exhibit "A"; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; and Providing for an Effective Date.

Action: Acting City Clerk Walker read the title and Cultural and Human Services Director Susan Simpson reported. Mayor Edelcup said that he noticed a problem with the tops of those trash containers that cans, bags, and garbage are accumulating along the rims and asked if we can get a different design where that wouldn't happen or can we get our own people to go through the City daily and make sure that the trash is pushed into the receptacles. Cultural and Human Services Director Simpson said that she has ordered ten sample receptacles without covers and City Manager Russo said they will be used as an experiment and if it works they will buy them for the rest of the City. He noted that City personnel already monitors the receptacles every day, and that there is no problem with the trash cans but with the people not putting the trash in the containers properly.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-746 was adopted by a voice vote of 5-0 in favor.**

- 10G.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Purchase of 65mm X 65mm X 90mm Optic Crystals with Art Work for the New Government Center**, in an Amount of \$18,250.00, Quote Attached Hereto as Exhibit "A"; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; and Providing for an Effective Date.

Action: Acting City Clerk Walker read the title and City Manager Russo reported that the City wishes to commemorate the opening of the new Government Center and this would be the centerpiece item in doing that. He said that the crystals are slightly larger than paperweights with the entire City Hall laser etched inside the middle of a crystal cube and he noted that he has one in his office for review. City Manager Russo said the idea was brought to our attention and it was such a great idea that he believed they were going to do this for the opening of one of the Trump buildings. He said when he realized this, and that Mr. Dezer was involved into looking into this, he contacted them and they have graciously offered as our first, and we hope to get other contributors towards our opening event for our new City Hall, to help fund it and they have agreed to fund 50% of this item. Vice Mayor Thaler asked to make sure we follow up on noticing the delivery date because we only have 11 weeks before the opening and City Manager Russo said he has met with the manufacturer himself over that and they assured him they will get them in time.

Commissioner Brezin asked that the record reflect that the City Commission thanks Mr. Dezer for his offer of paying for half of these crystals and that she thought it was a beautiful gesture on his part and he certainly should be thanked for it. City Manager Russo said that mechanically wise that will be back before the Commission and we will have the proper opportunity to do that when that contribution is approved and probably others.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-747 was adopted by a voice vote of 5-0 in favor.**

- 10H.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Accepting the **Recommendation of the Mercer Group for a New Police Step Pay Plan**; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; and Providing for an Effective Date.

Action: Acting City Clerk Walker read the title and Human Resources Director Tom Acquaro reported and noted that the second part of the benchmark survey will be coming back at a later date. City Manager Russo said procedurally the actual budget modifications will be back before the City Commission in January or February. Chief Maas thanked the City Commission and said what they have done tonight will assure a couple of things, that

the Commission allows him the opportunity to go out and recruit and get the absolute best to serve in this City, and not only to get them but to keep them for a long time to come. Chief Maas thanked City Manager Russo, and Mayor Edelcup commended Chief Maas and the Police Department.

Public Speakers: none

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-748 was adopted by a voice vote of 5-0 in favor.**

- 10I.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the City Manager to Enter Into an **Agreement for the Acceptance of a Grant Award in the Amount of Four Hundred Thousand Dollars (\$400,000.00) with the South Florida Water Management District to Fund the Central Island Storm Drainage and Street Improvements Capital Improvement Project** in Accordance with Exhibits "C" and "D"; and Further Providing the City Manager with the Authority to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: Acting City Clerk Walker read the title and City Manager Russo reported.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-749 was adopted by a voice vote of 5-0 in favor.**

- 10J.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Purchase of Network Equipment for the Sunny Isles Beach Government Center** from United Data Technologies, Under Florida State Contract #250-000-03-1, in an Amount of \$22,556.00, Attached Hereto as Exhibit "A"; Authorizing the City Manager to do all Things Necessary to Effectuate the Terms of this Resolution; Providing for an Effective Date

Action: Acting City Clerk Walker read the title and Information Technology Director Derrick Arias reported.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-750 was adopted by a voice vote of 5-0 in favor.**

- 10K.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Purchase of Computer Room Equipment for the Sunny Isles Beach Government Center** from United Data Technologies, Under Florida State Contract #250-000-03-1, in an Amount of \$19,016.75, Attached Hereto as Exhibit "A"; Authorizing the City Manager to do all Things Necessary to Effectuate the Terms of this Resolution; Providing for an Effective Date.

Action: Acting City Clerk Walker read the title and Information Technology Director Derrick Arias reported that this purchase is for the UPS [power backup] equipment and furniture/cabinets we need for the computer rooms in the new City Hall. He noted that the UPS equipment is specked out just for transitional period and we have a backup generator and this would give us a run time of approximately 45-minutes on the equipment. Mayor Edelcup asked if this is to shut down early and transfer over and IT Director Arias said that some of that was not addressed and in speaking with the manufacturer today he is looking at making a modification to the proposal. City Manager Russo said that the change would be a seamless transition and is in a minor amount of about \$3,500.00, and would not have to come back to the Commission with the revised proposal. Mayor Edelcup said to amend this resolution now to provide for the additional \$3,500.00.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Brezin seconded a **motion to approve the resolution, as amended. Resolution No. 2005-751 was adopted by a voice vote of 5-0 in favor.**

- 10L.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Purchase of Computers from Dell**, Under Florida State Contract #250-000-03-1, in a Total Amount of \$38,704.95, Attached Hereto as Exhibit "A"; Authorizing the City Manager to do all Things Necessary to Effectuate the Terms of this Resolution; Providing for an Effective Date.

Action: Acting City Clerk Walker read the title and Information Technology Director Derrick Arias reported that a significant portion of the City's computers are over three years old and he proposed to the City Manager to put the City on a schedule of replacing the computer system every three years, and that this resolution will replace 1/3 of the computer systems replacing the older systems first. Mayor Edelcup asked if the old computers were still workable, and IT Director Arias said the vast majority of them still function and that they are looking into how they will dispose of them. Mayor Edelcup suggested donating them, and City Manager Russo said they were looking into putting them on the governmental websites/e-bays.

Public Speakers: none

Commissioner Iglesias moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-752 was adopted by a voice vote of 5-0 in favor.**

- 10M.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the **Transfer of Development Rights ("TDRs") in the Amount of Fifty Four (54) Dwelling Units and Ninety-Two Thousand One Hundred Three 92,103 Square Feet of Floor Area to Royal Development Holdings LLC ("The Royale Condominium Project") from the TDR Bank Established for 17200 Collins Avenue, LP. (The "Casino Property")**; Directing the Planning and Zoning Administrator or Designee to Transfer the

TDRs from the TDR Bank to Royal Development Holdings LLC in Accordance With Resolution No. 04-Z-84; Consent to the Transfer of the TDRs by the Casino Property; Authorizing the Adjustment of the TDR Bank by the Planning and Zoning Administrator or Designee; Providing the City Manager With the Authority to do all Things Necessary to Effectuate this Resolution; and Providing for an Effective Date.

Action: Mayor Edelcup said that it was requested to hear this item after item 7B. Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to take this item out of order, and it was approved by a voice vote of 5-0 in favor.**

Acting City Clerk Walker read the title and Planning and Zoning Administrator Jorge Vera reported, noting that this is an administrative function, and for the record he stated that he has the sign-off from the Casino Property authorizing the transfer and that it will be made part of this Resolution.

Public Speakers: Henry Kay

Commissioner Iglesias moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2004-740 was adopted by a voice vote of 5-0 in favor.**

- 10N.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing an **Exclusive Parking License Agreement by and Between the City of Sunny Isles Beach and Fortune International**, For Use of a Portion of the Parking Lots Under the Sunny Isles Boulevard Causeway; Authorizing the Mayor to Execute the Exclusive Parking License Agreement, Attached Hereto as Exhibit "A"; Authorizing the City Manager to Do All Things Necessary to Effectuate the Agreement; Providing for an Effective Date.

(Documentation to be Submitted.)

Action: City Manager Russo said that this is not ready, it was prepared and about ready to move forward but he received a letter from Fortune International saying in light of what they heard from the Commission at the November Commission meeting they would like to revise their proposal which they were offering to pay between \$8,000-\$10,000 a month to lease the area under the Sunny Isles Causeway, and they came back and offered to build out the park-like setting at the nose on the intercoastal under Sunny Isles Boulevard in return for use of the remaining parking area for three years. City Manager Russo said that this has to go through a process with FDOT before we can bring that back and the proposal will have to be changed. Commissioner Iglesias asked which portion would they want to park under and City Manager Russo said the parking area on the very western end and the entire southside westbound underneath the overpass and that there is another very small piece in addition to what he just stated.

- 100.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Placement of an Ad in the Anti-Defamation League's Commemorative Journal**, in an Amount of Five Hundred Dollars (\$500.00), Honoring Sandra and Bill Joel and Lila and George Berlin; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: Acting City Clerk Walker read the title and Information Technology Director

Derrick Arias reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-753 was adopted by a voice vote of 5-0 in favor.**

11. MOTIONS

None

12. DISCUSSION ITEMS

12A. Evaluation and Appraisal Report [EAR] for Sunny Isles Beach Comprehensive Plan

Action: Shelley Eichner, Planning Consultant, reported noting the first workshop and scoping meeting for the EAR was held on November 30, 2004 to identify issues that are important to the future of the City. She said that the next step in the process is to normally meet with the State agencies but what has happen is since the State agencies actually showed up at the meeting, the need to now meet with them is not necessary. She stated that the next step in the process is to send the City's list of issues to the Department of Community Affairs (DCA) for them to approve and then we begin our work in terms of the Evaluation and Appraisal Report. She distributed a list of Major Issues under five categories [1) Land Development; 2) Transportation Improvements; 3) Intergovernmental Coordination; 4) Affordable Housing; and 5) Mission Statement] and within those categories are the sub-issues which encompass all of the items that were discussed at the last meeting. She noted her conversations with both the Regional Planning Council and the gentleman from DCA that were at the meeting, that they were quite impressed with the level of discussion on the issues and with the City Commission as a whole. She noted they said that there was more discussion than some of the other cities that they go to, and felt even though there were not a lot of members of the public that, based on the volume of the discussion and the issues raised and the fact that the Statute requires we provide opportunity for public input, they felt comfortable that there was not a need for additional hearings and recommended that we start to move forward. Planning Consultant Eichner said that once we get the DCA's blessing we can go ahead and begin our work which will keep us on schedule for adoption of the ERA by October 2005.

13. CITIZENS' FORUM: REQUESTS, PETITIONS & OTHER COMMUNICATIONS

None

14. ADJOURNMENT

Commissioner Goodman moved and Commissioner Iglesias seconded a motion to adjourn the meeting, and Mayor Edelcup adjourned it at 8:40 p.m.

Respectfully submitted by:

Approved by the City Commission on March 10, 2005

Jane A. Hines, City Clerk

Norman S. Edelcup, Mayor